

FACSIMILE TRANSMITTAL

October 10, 2003

from **HOLLY D. KOZLOWSKI**

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To: Examiner J. Thissell - GAU 3763

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Docket No.: 10806-186

CERTIFICATE OF FACSIMILE**PATENT**

I hereby certify that this paper is being transmitted via facsimile to Mail Stop Non-Fee Amendment; Commissioner for Patents; P.O. Box 1450; Alexandria, VA 22313-1450 at facsimile number 703-872-9302 on October 10, 2003.

Klausen Jessenden

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Birger Hjertman et al
 Serial No.: 09/839,171
 Filed: April 23, 2001
 For: Delivery Device and Method for Its Operation

Group Art Unit: 3762

Examiner: J. Thissell

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Mail Stop Non-Fee Amendment
 Commissioner for Patents
 P.O. Box 1450
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Dear Sir:

Transmitted herewith is a Response in the above identified application.

- ☒ No additional fee is required.
☐ Also attached:

The fee has been calculated as shown below:

	NO. OF CLAIMS	HIGHEST PREVIOUS PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	69	69	0	x \$18 =	\$0
Independent Claims	6	6	0	x \$86 =	\$0
TOTAL FEE DUE					\$0

- ☐ A check in the amount of \$0 is enclosed.
- ☐ Please charge \$0 to our Visa credit card. Form PTO-2098 is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment, to Deposit Account No. 04-1133, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

Holly D. Kozlowski
 Holly D. Kozlowski
 Registration No. 30,468

DINSMORE & SHOHL LLP
 1900 Chemed Center
 255 East Fifth Street
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 (513) 977-8568
 Date: October 10, 2003
 949973 v1

Docket No.: 10806-186

CERTIFICATE OF FACSIMILE

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Lauren J. Essenden#10/86
10-203
PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Birger Hjertman et al :
Serial No.: 09/839,171 : Group Art Unit: 3762
Filed: April 23, 2001 : Examiner: J. Thissell
For: **Delivery Device and Method for Its Operation**

RESPONSE

Mail Stop Non Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

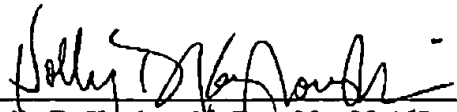
In the Official Action dated September 10, 2003, the Examiner required restriction under 35 U.S.C. §121 between claims 40-84 and 108-110 drawn to methods of detecting a condition of a medical container and its contents, claims 86-101 drawn to marked containers, claims 102-105 drawn to machine-readable marking systems, and claim 106 drawn to a non-imaging radiation/detection system.

Applicants hereby elect claims 40-84 and 108-110 drawn to methods of detecting a condition of a medical container and its contents. This election is made with traverse on the basis that, as claims 86-101 are drawn to marked containers classified in class 604, it would not be unduly burdensome for the Examiner to examine claims 86-101 with claims 40-84 and 108-110 drawn to methods which are also classified in class 604. Accordingly,

reconsideration of the restriction requirement and examination of claims 40-101 and 108-110 is respectfully requested.

It is believed that the above represents a complete response to the restriction requirement. Accordingly, examination on the merits is requested.

Respectfully submitted,



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